

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE INTUNIV ANTITRUST LITIGATION

Civil Action No. 16-cv-12653-ADB

This Document Relates to:

Direct Purchaser Actions

**DIRECT PURCHASER PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL
OF PROPOSED SETTLEMENT WITH DEFENDANT ACTAVIS,
APPROVAL OF THE FORM AND MANNER OF NOTICE TO THE CLASS,
AND PROPOSED SCHEDULE FOR A FAIRNESS HEARING**

Pursuant to Fed. R. Civ. P. 23(e), direct purchaser plaintiff Meijer, Inc. and Meijer Distribution, Inc. ("Meijer" or "Plaintiff"), individually and on behalf of the certified Direct Purchaser Class ("Direct Purchaser Class"), hereby respectfully requests that the Court preliminarily approve the proposed settlement with defendant Actavis Elizabeth LLC, Actavis LLC, and Actavis Holdco US, Inc. ("Actavis"), including that the Court:

1. Appoint Meijer as class representative solely for purposes of the settlement;
2. Enter a preliminary approval order substantially in the form annexed to the Settlement Agreement as Exhibit A;
3. Approve the plan of notice to the class, including procedures for objecting to the settlement, in the form annexed to the Settlement Agreement as Exhibit B;
4. Appoint A.B. Data, Ltd. ("A.B. Data"), previously appointed by the Court as Notice Administrator for service of the notice of class certification, to assist Class Counsel in disseminating the Notice and serve as Claim Administrator;
5. Appoint The Huntington National Bank as agreed by Plaintiff and Actavis as escrow agent for the settlement fund pursuant to the Escrow Agreement annexed to the Settlement Agreement as Exhibit D; and
6. Adopt the proposed settlement schedule set forth in the proposed preliminary approval order, including scheduling a fairness hearing.

In support of this motion, Plaintiff hereby provides more complete description of the benefits of the settlement and negotiations, including the specific terms of the Settlement

Agreement, in the Plaintiff's Memorandum of Law and the Declaration of Co-Lead Counsel Lauren G. Barnes, attaching the Settlement Agreement and exhibits thereto, submitted herewith.

The Settlement Agreement is between the Direct Purchaser Class and Actavis only.

Defendants Shire plc, Shire LLC, and Shire U.S., Inc. ("Shire") are not part of the Settlement Agreement and have not settled. Plaintiff's and the Direct Purchaser Class's case against Shire proceeds.

WHEREFORE, for the reasons set forth herein and in Plaintiff's submissions, the motion to preliminarily approve the settlement should be granted. A proposed form of order is submitted herewith as Exhibit A to the Settlement Agreement attached to the Barnes Declaration.

Dated: September 1, 2020

Respectfully submitted,

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*Additional Counsel for the Direct Purchaser
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CERTIFICATE OF SERVICE

I, Lauren G. Barnes, certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 1, 2020.

/s/ Lauren G. Barnes